HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT APPEAL No. 326 of 2007

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Between:
M. Prasuna & others

…Appellants

And
The District Collector, Nellore & others

….Respondents

:: J U D G M E N T ::

Counsel for the appellants : Shri V. Srinivas

23.04.2007

Per G.S. SINGHVI, CJ

Having failed to persuade the learned Single Judge to prevent the respondents from taking action for demolition of fish tanks in the agricultural lands comprised in Survey Nos. 439 to 339, 461, 462, 463/1, 469/1 and 470 situated at Eeduru Bit-I Village, Mallikarjunapuram Gram Panchayat, Totapalli Gudur Mandal, Nellore District, the appellants have preferred this appeal under Clause 15 of the Letters Patent.

In the writ petition filed by them, the appellants pleaded that they had raised fish ponds more than ten years back in the patta land and without giving them any notice or opportunity of hearing, the respondents are seeking to demolish the same. They also referred to the proceedings of civil suit (O.S.No.555 of 2000) filed in the Court of III Additional Junior Civil Judge, Nellore and pleaded that the respondents cannot interfere with their activity of fish farming. According to the appellants, their land is situated far away from Eeduru-Koduru tank and, therefore, there is no justification to demolish the fishponds.

The learned Single Judge referred to the judgment of the Division Bench of this Court in **Madireddy Padma Rambabu v. District Forest Officer, Kakinada**[1] and held that the action taken by the respondents for demolition of fishponds does not suffer from any legal infirmity.

Shri V. Srinivas, learned counsel for the appellants made strenuous efforts to convince us that the action initiated by the official respondents to demolish the fish tanks of his clients is vitiated due to violation of the rules of natural justice and the learned Single Judge committed an error by refusing to entertain the writ petition, but we have not felt impressed.

Although the appellants converted the patta land into fish tanks after obtaining permission from the Mandal Revenue Officer, the continued use of agricultural land for fish farming is contrary to the law laid down by the Supreme Court **S. Jagannath v. Union of India**[2] and by the Division Bench of this Court in **Madireddy Padma Rambabu v. District Forest Officer, Kakinada** (supra). Therefore, the appellants cannot seek a direction for continuing that activity. The mere fact that the appellants had constructed fish tanks before the judgment of the Supreme Court is of no help to their cause and they cannot complain against the action taken by the respondents to demolish the fish tanks. In our considered view, the continued activity of fish farming by the appellants in the teeth of the verdict of the Supreme Court is totally unwarranted and there is no justification for the Court's

interdiction in the matter on the ground of denial of the opportunity of hearing.

With the above observations, the appeal is dismissed.

As a sequel to dismissal of the writ appeal, W.A.M.P.No.627 of 2007 filed by the appellants for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY, J

23.04.2007
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[1] 2002(1) ALD 728 (DB)
[2] AIR 1997 SC 811